

REMARKS

In the Office Action dated April 10, 2003, all pending claims 1-3 were rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0761378A (EP '378).

It is stated in the rejection that EP '378 discloses a process for joining metal parts which comprises "inserting a powder metal compact comprising a metal with a melting point lower than the two metal parts between the two metal parts". (Emphasis added)

It is respectfully submitted that EP '378 is directly contrary to the process of the present invention as defined in the claim.

In independent claim 1, it is stated that the process for assembly of metal parts is achieved by placing a filler material between the metal parts and heating the assembly by induction heating, with the powder used as the filler material having "a melting temperature higher than or equal to the melting temperature of the material from which the parts to be assembled is made". (Emphasis added)

The present claim 1 further states that the filler material has "a melting temperature higher than or equal to the melting temperature of the part with the lowest melting temperature".

It is respectfully submitted that since EP '378 defines a powder metal used as a filler which has a melting point lower than the two metal parts, whereas the present claim 1 defines filler having a melting temperature higher than or equal to the metal parts, the rejection under 35 U.S.C. § 102(b) is unsupportable.

Examiner's attention is also respectfully directed to the final clause of claim 1 which makes it clear that the assembly is joined without a new phase being formed by diffusion which would occur if the melting temperature of the filler were lower as in the

case of '378. Thus, claim 1 further makes clear that '378 is contrary to the present invention.

It is respectfully requested that rejection of independent claim 1, and claims 2 and 3 which depend therefrom, be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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